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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 REO BOREN,)
9 Plaintiff,) 3:09-cv-00473-RCJ-VPC
10 vs.)
11 McDANIEL, *et al.*,) **ORDER**
12 Defendants.) /

14 This is a *pro se* prisoner civil rights complaint filed pursuant to 42 U.S.C. § 1983. On
15 September 3, 2009, plaintiff submitted an amended civil rights complaint. (Docket #4). By order filed
16 March 26, 2010, the Court granted plaintiff's application to proceed *in forma pauperis*. (Docket #8).
17 On April 7, and April 21, 2010, plaintiff filed letters informing the Court that he already has a civil rights
18 lawsuit against defendant McDaniel, at case number 3:09-cv-00731-HDM-RAM, and that he did not
19 intend to file another lawsuit regarding the same allegations. Court records indicate that plaintiff does
20 indeed have another lawsuit under the case number 3:09-cv-00731-HDM-RAM, alleging the same facts
21 as this action. The lawsuit in 3:09-cv-00731-HDM-RAM is currently proceeding. It appears that the
22 instant action was opened in error by the Clerk of Court. Because plaintiff is litigating his claims in case
23 number 3:09-cv-00731-HDM-RAM, the instant action will be dismissed. In addition, the order granting
24 *in forma pauperis* status in the instant action will be vacated, as this action was opened in error.

25 **IT IS THEREFORE ORDERED** that the order granting *in forma pauperis* status in this
26 action (Docket #8) is **VACATED**. Plaintiff is not responsible for paying the initial partial filing fee for

1 this action or future installment payments of the filing fee.

2 **IT IS FURTHER ORDERED** that the Clerk shall send a copy of this order to the
3 attention of **Albert G. Peralta, Chief of Inmate Services for the Nevada Department of Prisons, P.O.**
4 Box 7011, Carson City, NV 89702.

IT IS FURTHER ORDERED that the instant action is **DISMISSED** with prejudice.

6 IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly.

7 DATED this 19th day of October, 2010.

UNITED STATES DISTRICT JUDGE